

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 28, 2006

DIVISION ONE

B182139 People (Not for Publication)

V.

John Richard Fratus

The judgment is affirmed.

Spencer, P.J.

I concur: Rothschild, J.

I concur in the judgment only: Vogel (Miriam A.), J.

B185341 Los Angeles County, D.C.S. (Not for Publication)

V.

Francisco R., and Patricia A.,

The order is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.

Mallano, J.

B178965 Phillips (Not for Publication)

V.

Portosan Company

The judgment is affirmed.

Spencer, P.J.

I concur: Rothschild, J.

I concur in judgment only: Vogel (Miriam A.), J.

March 28, 2006 (Continued)

DIVISION ONE (Continued)

B173230 McMurray (Not for Publication)
v.
City of Burbank

The judgment is reversed, and the trial court is directed to enter judgment notwithstanding the verdict in favor of defendant on the disability discrimination and failure to accommodate causes of action. Defendant is to recover its costs on appeal.

Spencer, P.J.

We concur: Mallano, J.
 Rothschild, J.

B182310 People (Not for Publication)
v.
Anthony Michael Vasquez

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Rothschild, J.

DIVISION TWO

B180092 People (Not for Publication)
v.
Orduno

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

DIVISION TWO (Continued)

B180567 Chung, et al. (Not for Publication)
 v.
 Sohn, et al.

The judgment of dismissal is reversed. The matter is remanded and the trial court is directed to vacate the order sustaining without leave to amend the demurrer to the second amended complaint and to enter an order overruling the demurrer. Appellants to recover their costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

DIVISION THREE

B178424 Robert Goodwin and Balaria Goodwin (Not for Publication)
 v.
 Metalclad Insulation Corporation

The judgment is reversed and the matter is remanded for further proceedings. The parties are to bear their own costs on appeal.

Kitching, J.

We concur: Klein, P.J.
 Aldrich, J.

B178411 Gene Simpson et al., (Not for Publication)
 v.
 Ronald S. Barak et al.

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur: Klein, P.J.
 Aldrich, J.

DIVISION THREE (Continued)

B179331 Sun & Lion Investments, Inc. et al. (Not for Publication)
 v.
 Rosa Baghdasarian

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur: Klein, P.J.
 Aldrich, J.

B181518 Harry J. Wilson, Jr. et al. (Not for Publication)
 v.
 City National Bank et al.

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
 Kitching, J.

DIVISION FOUR

B185230 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Thea K.

The orders denying the section 388 petition and terminating parental rights
as to Michael are affirmed.

Curry, J.

We concur: Epstein, P.J.
 Willhite, J.

March 28, 2006 (Continued)

DIVISION FOUR (Continued)

B182850 People (Not for Publication)
v.
Pimentel

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.
Hastings, J. (Assigned)

B183566 People (Not for Publication)
v.
Maravillas

The order is modified to strike to \$200 parole revocation fine; in all other respects, the order is affirmed.

Epstein, P.J.

We concur: Willhite, J.
Hastings, J. (Assigned)

B183664 Stevens (Not for Publication)
v.
Stevens

The judgment is affirmed.

Curry, Acting P.J.

We concur: Willhite, J.
Hastings, J. (Assigned)

DIVISION FIVE

B179979 Davis Glick Partnership (Not for Publication)
 v.
 City of Los Angeles

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, Acting P.J.

We concur: Mosk, J.
 Kriegler, J.

DIVISION SIX

B183715 People (Not for Publication)
 v.
 Hernandez

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

B180468 People (Not for Publication)
 v.
 David V.

The matter is remanded to the juvenile court to permit the court to exercise its discretion in setting appellant's maximum term of confinement pursuant to Welfare & Institutions Code section 731, subdivision (b). In all other respects, the juvenile court's orders are affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

March 28, 2006 (Continued)

DIVISION SIX (Continued)

B183313 People (Not for Publication)
v.
Rodolfo S.

The order committing appellant to CYA is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B172901 People (Not for Publication)
v.
Ballesteros

Appellant's conviction of contributing to the delinquency of a minor under Penal Code section 272 (count 4) is reversed and the charges are dismissed. Probation condition No. 30 is modified to read, "You shall not associate with any person whom you know to be using or trafficking in any controlled substance, including marijuana." The \$480 drug program fee is modified to \$510; the \$160 laboratory fee is modified to \$170. As so modified, the judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B184713 Santa Barbara County (Not for Publication)
Child Protective Services
v.
Gabriela V.

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

March 28, 2006 (Continued)

DIVISION SIX (Continued)

B176232 Geffcken et al.,
 v.
 D'Andrea et al.,

Filed order modifying opinion and certifying opinion for publication.
(No change in the judgment)

B185265 People
 v.
 Alcox

Filed order modifying opinion. Petition for rehearing is denied.
(No change in the judgment)

DIVISION EIGHT

Court convened at 9:00 a.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Connie Hon, Deputy Clerk.

Each of the following:

B179251 People v. Johnson
B185544 DCFS v. Melody S.
B187015 DCFS v. Sharon G. & Gregory J.
B180113 People v. Sanchez
B185282 DCFS v. Gilbert B.

Argument waived, cause submitted.

Each of the following:

B175564 People v. Bradley, Johnson & Rahh
B177885 People v. Haqq

Matter taken off calendar.

DIVISION EIGHT (Continued)

Each of the following:

B183512 Posser v. Osborne
B179815 Butler v. The Vons Companies, Inc.

Matter continued to April 25, 2006.

B184031 Banales,
v.
AT & T Wireless,

Merits:
Argued by Asha Dhillon for appellant and by Donald M. Falk for respondent. Cause submitted.

B179486 Jackson
v.
Thomas

Merits:
Argued by Damon Martin for appellant and by Khymberli Apaloo for respondent. Cause submitted.

B188294 People
v.
Petrisca,

Merits:
Argued by Laura Hartquist, Deputy Attorney General and Tracey Lopez, Deputy District Attorney for appellant and by Ronald Talkov for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B177392 Summerfield,
 v.
 Pace,

Merits:

Argued by John Dodd for appellant and by Cheryl A. Orr for respondent.
Cause submitted.

Justice Flier leaves the bench.

B178676 Gelfo
 v.
 Lockheed Martin Corporation,

Merits:

Argued by David H. Greenberg for appellant and by Elena R. Baca and
Katherine Huibonhoa for respondent. Cause submitted.

Justice Flier returns to the bench.

Presiding Justice Cooper leaves the bench.

B175947 Haberbush,
 v.
 Charles & Dorothy Cummins Family Ltd. Partnership,

Merits:

Argued by Richard M. Moneymaker for appellants/respondents and by
Alan G. Tippie for respondents/appellants. Cause submitted.

Court recessed at 12:00 p.m.

Court convened at 1:04 p.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Connie Hon, Deputy Clerk.

DIVISION EIGHT (Continued)

B180223 People
 v.
 Legarda

Merits:
Argued by Nancy Tetreault for appellant and by Jason Tran, Deputy
Attorney General for respondent. Cause submitted.

B180223 Blanco et al.
 v.
 Arias et al.

Merits:
Argued by Krishna R. Malhotra for appellants and by J. Steven Kennedy
for respondents. Cause submitted.

Presiding Justice Cooper leaves the bench.

B183415 Gray
 v.
 MIF of San Francisco;
 Mejia

Merits:
Argued by H. Douglas Daniel and Hilda Garzon for appellant and by Larry
J. Brock and William F. Holbrook for respondent. Cause submitted.

Court adjourned.